



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

MICHAEL O. FREEMAN COUNTY ATTORNEY

November 8, 2012

The Honorable Donovan Frank
U.S. District Court Judge
Warren E. Burger Federal Building
316 North Robert Street, Suite 724
St. Paul, MN 55101

Re: Award of Attorney's Fees to Defendants
Jane Doe, et al. v. Dr. Al Tsai, et al.
File No. 08-cv-01198 (DWF/AJB)

Dear Judge Frank:

Attached to this letter is my affidavit of hours expended and the hourly rate therefor.

I would add that 42 U.S.C. § 1988 (b) provides that in any action or proceeding to enforce a provision of 42 U.S.C. § 1983 (which this action falls under), the court, in its discretion, may allow the prevailing party reasonable attorney's fees. Under *City of Riverside v. Rivera*, 477 U.S. 561, 568, 569 (1986), the U.S. Supreme Court allowed consideration of factors other than an attorney's hourly rate in determining reasonable attorney's fees.

In the present case, a reasonable (or "community") rate of attorney's fees for a defendant in a civil rights action is, as the HFA defendants' counsel has billed them, \$250 per hour. The Hennepin County defendants therefore seek reimbursement at that rate, which would result in attorney's fees of \$1,750.

Sincerely,

s/Michael B. Miller

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MBM:ljb
Enclosure